

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, APRIL 7, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary

Members Absent: Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Tim Miller, Consulting Engineer
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
William Citarell, ECB Member
J&L Reporting Service, for Westwood Development Associates
Members of the Public.

IPB Matters

Considered:

- 94-03 -- Westwood Development Associates**
Sht.10,P25J2,25K2;Sht.10C,B1.226,Lots 25A,26A
Sht.11,P-25J
- 98-09 -- Spectrum Irvington (Amendment)**
Sht. 12B, Lot #41
- 98-18 -- Spectrum Irvington (Amendment)**
Sht. 12B, Lot #11
- 98-33 -- Spectrum Irvington (Amendment)**
Sht. 12B, Lot #23
- 99-01 -- Miji Inaba**
Sht. 10F, Bl. 253, Lot 1
- 99-02 -- Hudson House Tenants Corp.**
Sht. 9, Bl. 222, Lot 1
- 99-19 -- Mar-Vera Corporation**
Sht. 13B, P-87
- 99-21 -- Otto Naumann**
Sht. 13A, P-138B
- 99-22 -- Deborah Flock**
Sht. 7B, Bl. 249, Lot 2A
- 99-23 -- Irvington Associates (Informal)**
Sht. 12B, Lot 25 & 31

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

In Lieu Fee Calculation. The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require the In Lieu Fee which is payable pursuant to Section 207-20 of the Subdivision Regulations by a subdivider who is required to dedicate to the Village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every January 1, based on the change in the US Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S.City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index for December as a benchmark for the index as of January 1 each year, rather than to use the January index, and to use the index unadjusted for seasonal variation. The index in December 1988 was 355.0 (1967=100). The index in December 1998 was 478.6. The Board then calculated the In Lieu Fee applicable to the calendar year 1999 as follows:

CPI December 1997 478.6
CPI December 1988 355.0
 $478.6 - 355.0 = 134.82\%$

$\$6,000 \times 134.82\% = \$8,089.20$

On motion duly made, seconded and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 1999 to be \$8,089.20.

Local Law. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the agenda were current as to taxes and fees.

IPB Matter #99-19:

**Application of Mar-Vera Corporation for
an Informal Discussion for property at
Halsey Lake Estates, Castle Road.**

Mr. Reynold Gheduzzi appeared for the Applicant for an informal discussion carried over from the March 10, 1999 meeting. An informal discussion was proposed to determine if the Applicant could build 9 free standing homes rather than the previously approved 14 town homes. There was no public comment. The Chairman, after consulting with Kevin Plunkett,

Village Counsel, advised that the modification would require a completely new evaluation and the Applicant would have to restart the entire Planning Board process. Mr. Gheduzzi took the opinion under advise and would decide what course to follow, townhouses or free standing homes.

IPB Matter #99-23:

**Application of Irvington Associates for an
Informal Discussion for property at Hawkes
Close, Legend Hollow Subdivision.**

David S. Steinmetz, Esq., appeared for the Applicant, and submitted evidence of mailing of notice to affected property owners. Irvington Associates is proposing a conveyance to Lot #31 of a sliver of land now part of Lot #25. This change also affects approved driveway easements. The Board informed the Applicant that the change requested will require an amendment of the existing Site Plan Approval for the lots in question and that all Affected Property Owners, including the Tennessee Gas Line Company, must be given notice of the proposed change. A public hearing was scheduled for the May 5, 1999, Planning Board meeting.

IPB Matter #99-21:

**Application of Otto Naumann for Waiver of
Site Development Plan Approval for property
at 49 Havemeyer Road.**

Elizabeth Hand-Fry, Architect, appeared for the Applicant. The Applicant submitted drawing: Site Plan prepared for Otto Naumann, 49 Havemeyer Road, prepared by Elizabeth Hand-Fry, dated 12/20/98, last revised 3/17/99. This application was carried over from the April 7, 1999, meeting. Discussion revolved around the pool location and set backs from Havemeyer Road. Mr. Mastromonaco's comments, memo dated April 7, 1999, were cited. Mr. Plunkett advised that the 20 ft. setback required in the specific legislation incorporated in the Zoning Ordinance for swimming pools takes precedence over the general set back requirements for zoning districts established in the Village Code. The Board noted required fencing, pool equipment noise abatement, and screening must be approved by the Building Inspector.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed pool meets conditions which permit Site Development Plan

Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **Now, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application but with the proviso that fencing, noise abatement measures, and screening for the pool and its equipment must be as required by the Building Inspector.

IPB Matter #99-22:

**Application of Deborah Flock for Site
Development Plan Approval for property
at 42 West Clinton Avenue.**

No one appeared for the Applicant, therefore the application was carried over to the May 5, 1999, Planning Board meeting. It was noted that the Zoning Board of Appeals at its March 23, 1999 meeting, had approved the variance to permit the construction of a garage and mud room addition to the existing residence, provided the addition is screened from the view from the Croton Aqueduct by the addition of vegetation as shown on a landscaping plan submitted at the hearing. The Board advised the Building Inspector that construction could not proceed prior to Planning Board approval.

IPB Matter #98-18:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #11, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the April 1, 1998 Planning Board meeting, is for revision to the finished first floor elevation. There were no comments from the public. The Board closed the public hearing and took the following action, it approved Site Plan (Lot #11) Legend Hollow, dated March 4, 1998, last revision March 24, 1999.

IPB Matter #98-33:

Public Hearing on Application of Spectrum

**Irvington Corp., for Amended Site Development
Plan Approval for Lot #23, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the September 2, 1998 Planning Board meeting, is for the relocation of the walk-out access from the basement. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #23) Legend Hollow, dated August 5, 1998, last revision March 24, 1999.

IPB Matter #98-09:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #41, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the March 4, 1998 Planning Board meeting, is for the modification of previously approved garage footprint. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #41) Legend Hollow, dated February 2, 1998, last revision March 24, 1999.

IPB Matter #99-02:

**Agenda Entry Request from Hudson House
Tenants Corp., for property at 100 Ardsley
Avenue West.**

Robert Antonucci, Architect, appeared for the Applicant. This application, carried over from the March 10, 1999, meeting, concerns the proposed construction of a 44 car parking area for Hudson House. There were no comments from the public. Mr. Mastromonaco's memo dated March 30, 1999, listed eleven items to be addressed. The Applicant chose to postpone the application to the May meeting, to address Mr. Mastromonaco's comments.

IPB Matter #99-01:

**Application of Miji Inaba for Site Development
Plan Approval for property at Fieldpoint Drive.**

Mr. Gabriel Senor appeared for the Applicant. This application, carried over from the March 10, 1999 meeting, is for a single family residence with a two and one-half car garage to be constructed on Lot #1 of the previously approved Goodkind Subdivision. There were no comments from the public. Mr. Mastromonaco's concerns (memo dated April 7, 1999) were discussed at length and Mr. Senor was told that his plan must conform to the Limited Site

Development Plan approval given to this lot when it was created by subdivision , or he must request an amendment to that plan.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. The Chairman acknowledged letters from Keane & Beane, P.C., dated April 6 and April 7, 1999, and read aloud an April 6, 1999 letter regarding drainage. There was some discussion on drainage and the impact on Fieldpoint. Mr. Plunkett confirmed that the Planning Board had no authority to approve a road having a 15% grade, as only the Zoning Board of Appeals had that authority. Public comments included: Donald Marra, Assistant Superintendent for Business and Facilities Management of the Irvington School District, advised the proposed May 18 referendum concerning access to Link Road was still active, Joel Sachs, Esq., representing Fieldpoint, advised he felt the DEIS was inaccurate, misleading and incomplete. The Chairman suggested an April 17, work session meeting at 9:00 a.m. with Board members, Westwood, Westwood consultants, Village Department Heads, and the public. The Board agreed.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- There will be a work session of the Planning Board at 9:00 a.m. on Saturday, April 17, at the Trustees Room.
- Minutes of the Planning Board held on March 10, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for May 5, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary

